

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1595
OFFERED BY MS. BORDALLO OF GUAM

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Guam World War II Loyalty Recognition Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Recognition of the suffering and loyalty of the residents of Guam.

Sec. 3. Payments for Guam World War II claims.

Sec. 4. Adjudication.

Sec. 5. Grants program to memorialize the occupation of Guam during World War II.

6 SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY
7 OF THE RESIDENTS OF GUAM.

8 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
9 DENTS OF GUAM.—The United States recognizes that, as
10 described by the Guam War Claims Review Commission,
11 the residents of Guam, on account of their United States
12 nationality, suffered unspeakable harm as a result of the
13 occupation of Guam by Imperial Japanese military forces
14 during World War II, by being subjected to death, rape,



1 severe personal injury, personal injury, forced labor,
2 forced march, or internment.

3 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
4 DENTS OF GUAM.—The United States forever will be
5 grateful to the residents of Guam for their steadfast loy-
6 alty to the United States of America, as demonstrated by
7 the countless acts of courage they performed despite the
8 threat of death or great bodily harm they faced at the
9 hands of the Imperial Japanese military forces that occu-
10 pied Guam during World War II.

11 **SEC. 3. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

12 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
13 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
14 After receipt of certification pursuant to section 4(b)(8)
15 and in accordance with this section, the Secretary of the
16 Treasury shall make the following payments:

17 (1) SURVIVORS OF RESIDENTS WHO DIED IN
18 WAR.—In the case of a compensable Guam decedent
19 (as defined in subsection (c)(1)), the Secretary shall
20 pay \$25,000 for distribution to eligible survivors of
21 the decedent as specified in subsection (b).

22 (2) RESIDENTS INJURED.—In the case of a
23 compensable Guam victim who is not deceased, the
24 Secretary shall pay such victim the following:



1 (A) If the victim has suffered an injury de-
2 scribed in subsection (c)(2)(A), \$15,000.

3 (B) If the victim is not described in sub-
4 paragraph (A) but has suffered an injury de-
5 scribed in subsection (c)(2)(B), \$12,000.

6 (C) If the victim is not described in sub-
7 paragraph (A) or (B) but has suffered an in-
8 jury described in subsection (c)(2)(C), \$10,000.

9 (3) SURVIVORS OF DECEASED INJURED RESI-
10 DENTS.—In the case of a compensable Guam victim
11 who is deceased, the Secretary shall pay \$7,000 for
12 distribution to eligible survivors of the victim as
13 specified in subsection (b).

14 Payments under this section shall be treated for purposes
15 of section 1304(a) of title 31, United States Code, as an
16 award otherwise authorized as law.

17 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
18 ments under paragraph (1) or (3) of subsection (a) to eli-
19 gible survivors of an individual who is a compensable
20 Guam decedent or a compensable Guam victim who is de-
21 ceased shall be made as follows:

22 (1) If there is living a spouse of the individual,
23 but no child of the individual, all of the payment
24 shall be made to such spouse.



1 (2) If there is living a spouse of the individual
2 and one or more children of the individual, one-half
3 of the payment shall be made to the spouse and the
4 other half to the child (or to the children in equal
5 shares).

6 (3) If there is no living spouse of the individual,
7 but there are one or more children of the individual
8 alive, all of the payment shall be made to such child
9 (or to such children in equal shares).

10 (4) If there is no living spouse or child of the
11 individual but there is a living parent (or parents)
12 of the individual, all of the payment shall be made
13 to the parents (or to the parents in equal shares).

14 (5) If there is no such living spouse, child, or
15 parent, no payment shall be made.

16 (c) DEFINITIONS.—For purposes of this Act:

17 (1) COMPENSABLE GUAM DECEDENT.—The
18 term “compensable Guam decedent” means an indi-
19 vidual determined under section 4(a)(1) to have been
20 a resident of Guam who died or was killed as a re-
21 sult of the attack and occupation of Guam by Impe-
22 rial Japanese military forces during World War II,
23 or incident to the liberation of Guam by United
24 States military forces, and whose death would have
25 been compensable under the Guam Meritorious



1 Claims Act of 1945 (Public Law 79–224) if a timely
2 claim had been filed under the terms of such Act.

3 (2) COMPENSABLE GUAM VICTIM.—The term
4 “compensable Guam victim” means an individual de-
5 termined under section 4(a)(1) to have suffered, as
6 a result of the attack and occupation of Guam by
7 Imperial Japanese military forces during World War
8 II, or incident to the liberation of Guam by United
9 States military forces, any of the following:

10 (A) Rape or severe personal injury (such
11 as loss of a limb, dismemberment, or paralysis).

12 (B) Forced labor or a personal injury not
13 under subparagraph (A) (such as disfigure-
14 ment, scarring, or burns).

15 (C) Forced march, internment, or hiding
16 to evade internment.

17 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
18 RIES AND PERSONAL INJURIES.—The Foreign
19 Claims Settlement Commission shall promulgate reg-
20 ulations to specify injuries that constitute a severe
21 personal injury or a personal injury for purposes of
22 subparagraphs (A) and (B), respectively, of para-
23 graph (2).



1 **SEC. 4. ADJUDICATION.**

2 (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**
3 **COMMISSION.—**

4 (1) **IN GENERAL.**—The Foreign Claims Settle-
5 ment Commission is authorized to adjudicate claims
6 and determine eligibility for payments under section
7 3.

8 (2) **RULES AND REGULATIONS.**—The chairman
9 of the Foreign Claims Settlement Commission shall
10 prescribe such rules and regulations as may be nec-
11 essary to enable it to carry out its functions under
12 this Act. Such rules and regulations shall be pub-
13 lished in the Federal Register.

14 (b) **CLAIMS SUBMITTED FOR PAYMENTS.—**

15 (1) **SUBMITTAL OF CLAIM.**—For purposes of
16 subsection (a)(1) and subject to paragraph (2), the
17 Foreign Claims Settlement Commission may not de-
18 termine an individual is eligible for a payment under
19 section 3 unless the individual submits to the Com-
20 mission a claim in such manner and form and con-
21 taining such information as the Commission speci-
22 fies.

23 (2) **FILING PERIOD FOR CLAIMS AND NOTICE.—**

24 All claims for a payment under section 3 shall be
25 filed within one year after the Foreign Claims Set-
26 tlement Commission publishes public notice of the



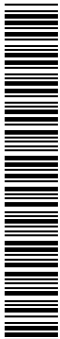
1 filing period in the Federal Register. In addition, the
2 Commission shall cause to be publicized the public
3 notice of the deadline for filing claims in newspaper,
4 radio, and television media on Guam.

5 (3) ADJUDICATORY DECISIONS.—The decision
6 of the Foreign Claims Settlement Commission on
7 each claim shall be by majority vote, shall be in writ-
8 ing, and shall state the reasons for the approval or
9 denial of the claim. If approved, the decision shall
10 also state the amount of the payment awarded and
11 the distribution, if any, to be made of the payment.

12 (4) DEDUCTIONS IN PAYMENT.—The Foreign
13 Claims Settlement Commission shall deduct, from
14 potential payments, amounts previously paid under
15 the Guam Meritorious Claims Act of 1945 (Public
16 Law 79–224).

17 (5) INTEREST.—No interest shall be paid on
18 payments awarded by the Foreign Claims Settlement
19 Commission.

20 (6) REMUNERATION PROHIBITED.—No remu-
21 nation on account of representational services ren-
22 dered on behalf of any claimant in connection with
23 any claim filed with the Foreign Claims Settlement
24 Commission under this Act shall exceed one percent
25 of the total amount paid pursuant to any payment

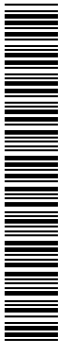


1 certified under the provisions of this Act on account
2 of such claim. Any agreement to the contrary shall
3 be unlawful and void. Whoever demands or receives,
4 on account of services so rendered, any remunera-
5 tion in excess of the maximum permitted by this sec-
6 tion shall be fined not more than \$5,000 or impris-
7 oned not more than 12 months, or both.

8 (7) APPEALS AND FINALITY.—Objections and
9 appeals of decisions of the Foreign Claims Settle-
10 ment Commission shall be to the Commission, and
11 upon rehearing, the decision in each claim shall be
12 final, and not subject to further review by any court
13 or agency.

14 (8) CERTIFICATIONS FOR PAYMENT.—After a
15 decision approving a claim becomes final, the chair-
16 man of the Foreign Claims Settlement Commission
17 shall certify it to the Secretary of the Treasury for
18 authorization of a payment under section 3.

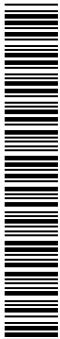
19 (9) TREATMENT OF AFFIDAVITS.—For pur-
20 poses of section 3 and subject to paragraph (2), the
21 Foreign Claims Settlement Commission shall treat a
22 claim that is accompanied by an affidavit of an indi-
23 vidual that attests to all of the material facts re-
24 quired for establishing eligibility of such individual
25 for payment under such section as establishing a



1 prima facie case of the individual's eligibility for
2 such payment without the need for further docu-
3 mentation, except as the Commission may otherwise
4 require. Such material facts shall include, with re-
5 spect to a claim under paragraph (2) or (3) of sec-
6 tion 3(a), a detailed description of the injury or
7 other circumstance supporting the claim involved, in-
8 cluding the level of payment sought.

9 (10) RELEASE OF RELATED CLAIMS.—Accept-
10 ance of payment under section 3 by an individual for
11 a claim related to a compensable Guam decedent or
12 a compensable Guam victim shall be in full satisfac-
13 tion of all claims related to such decedent or victim,
14 respectively, arising under the Guam Meritorious
15 Claims Act of 1945 (Public Law 79-224), the imple-
16 menting regulations issued by the United States
17 Navy pursuant thereto, or this Act.

18 (11) PENALTY FOR FALSE CLAIMS.—The provi-
19 sions of section 1001 of title 18 of the United States
20 Code (relating to criminal penalties for false state-
21 ments) apply to claims submitted under this sub-
22 section.



1 **SEC. 5. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPA-**
2 **TION OF GUAM DURING WORLD WAR II.**

3 (a) **ESTABLISHMENT.**—Subject to subsection (c) and
4 in accordance with this section, the Secretary of the Inte-
5 rior shall establish a grants program under which the Sec-
6 retary shall award grants for research, educational, and
7 media activities that memorialize the events surrounding
8 the occupation of Guam during World War II, honor the
9 loyalty of the people of Guam during such occupation, or
10 both, for purposes of appropriately illuminating and inter-
11 preting the causes and circumstances of such occupation
12 and other similar occupations during a war.

13 (b) **ELIGIBILITY.**—The Secretary of the Interior may
14 not award to a person a grant under subsection (a) unless
15 such person submits an application to the Secretary for
16 such grant, in such time, manner, and form and con-
17 taining such information as the Secretary specifies.

18 (c) **AUTHORIZATION FOR APPROPRIATIONS.**—There
19 are authorized to be appropriated \$5,000,000, to remain
20 available for obligation until September 30, 2011, to carry
21 out the grant program under this section. In addition, the
22 Secretary of the Interior may use unobligated funds made
23 available to the Secretary that may be used for such pur-
24 pose to carry out this section.

